

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

<u>UNITED STATES OF AMERICA</u>	)	Criminal No.05-10226-RWZ
	)	
	)	
V.	)	
	)	
	)	
<u>SAMNANG AM</u>	)	

ASSENTED TO MOTION TO CONTINUE TRIAL DATE  
AND REQUEST ORDER FOR PRE-PLEA PRESENTENCE REPORT

Now comes the defendant, Samnang Am, through and by his attorney, and moves this Honorable Court to continue his trial date of May 14, 2007.

In support of this motion the defendant through counsel states that

The Government and defense counsel are currently in plea negotiations. This case should most likely be disposed of by a conditional plea and not a trial, however, there are several issues that defense counsel must deal with before that can be accomplished. To assist counsel the defendant requests that this Honorable Court order the probation department to prepare a pre-plea sentence report as to the defendant's criminal history only. Also, defense counsel is trying to vacate one of the defendant's prior convictions which would possibly take him out of the Armed Career Criminal category if successful.

In addition to the above reasons defense counsel is currently scheduled to begin trial in the case of United States v. Murphy before (Tauro, J.) on the same date, May 14, 2007. This scheduling conflict was the mistake of defense counsel as a result of a

misdiaried date in defense counsel's diary at the time the Murphy case was scheduled.

Counsel apologizes to the Court for this oversight.

This motion for a continuance is assented to by AUSA Lisa M. Asiaf.

The defendant,  
SAMNANG AM  
By his attorney,

'/s/Walter H. Underhill, Esquire'  
Walter H. Underhill, Esq.  
66 Long Wharf  
Boston, MA  
02110  
4<sup>th</sup>. Floor  
Tel. # 617-523-5858  
B.B.O. # 506300

***SPEEDY TRIAL WAIVER***

The defendant agrees and stipulates that the time from May 14, 2007 until any rescheduled date is excludable time under the Speedy Trial Act and hereby waives said time.

SIGNED: '/s/Walter H. Underhill, Esquire'  
WALTER H. UNDERHILL, ESQ.

DATE: April 18, 2007

**RULE 7.1 CERTIFICATION**

The parties have had an opportunity to confer on this motion and the motion is assented to by the attorney for the Government, Lisa Asiaf.

SIGNED: '/s/Walter H. Underhill, Esquire'

DATE: April 18, 2007

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

SIGNED: ‘/s/Walter H. Underhill, Esquire’  
WALTER H. UNDERHILL, ESQ.

DATE: April 18, 2007